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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

All Cases

Case No. 3:23-md-03084-CRB

**DECLARATION OF DANIEL
CUMMINGS IN SUPPORT OF
DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, RASIER-CA, LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF MOTION
FOR SANCTIONS**

Judge: Hon. Lisa J. Cisneros
Courtroom: Courtroom G – 15th Floor

DECLARATION OF DANIEL CUMMINGS IN SUPPORT OF DEFENDANTS' ADMINISTRATIVE MOTION TO
FILE UNDER SEAL PORTIONS OF MOTION FOR SANCTIONS

Case No. 3:23-MD-3084-CRB

DECLARATION OF DANIEL CUMMINGS

I, Daniel Cummings, having personal knowledge of the following, state:

1. I am a partner at the law firm of Shook, Hardy & Bacon L.L.P., attorneys of record for Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (collectively, “Defendants” or “Uber”). I am a member in good standing of the Bars of the States of Missouri, Kansas, and Nebraska. I know the following facts to be true of my own knowledge, except those matters stated to be based on information and belief, and if called to testify, I could competently do so. I offer this Declaration in the above-captioned matter in support of Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC’s Administrative Motion to File Under Seal Portions of Motion for Sanctions dated October 24, 2025 (“Motion to Seal”).

2. I have reviewed Defendants’ Motion for Sanctions Against Bret Stanley (“Motion for Sanctions”), the Declaration of Michael B. Shortnacy in Support of Defendants’ Request for an Award of Attorneys’ Fees filed in support of the Motion for Sanctions (“Shortnacy Declaration”), and Exhibit A to the Shortnacy Declaration (“Exhibit A”).

3. The documents at issue in the Motion to Seal are the Motion for Sanctions Against Bret Stanley (“Motion for Sanctions”), the Shortnacy Declaration, and Exhibit A. The documents Defendants ask to seal, only in part, consisting of itemized billing and cost entries reflecting work done by Defendants’ outside counsel at the law firm Shook, Hardy & Bacon LLP (“Shook”).

4. The Motion for Sanctions, Shortnacy Declaration, and Exhibit A should be sealed in part because portions of the documents contain confidential, non-public information regarding fee agreements between Defendants and their outside counsel and confidential narrative billing statements of work.

5. Defendants seek only limited redactions to the Motion for Sanctions, Shortnacy

1 Declaration, and Exhibit A of confidential, non-public information regarding fee agreements between
2 Defendants and their outside counsel at Shook, and the number of hours billed, which could be used
3 to determine hourly rates, and narrative descriptions of work performed that could disclose
4 confidential legal strategy. Defendants do not seek to seal the total amount of attorney fees requested
5 in the Motion for Sanctions or subtotals of fees for each category of task performed.
6

7 6. The fee arrangement between Defendants and their outside counsel at Shook, Hardy &
8 Bacon L.L.P. is confidential business information, that, on information and belief, has not been
9 publicly disclosed. Nor do Defendants or Shook generally publicly disclose their fee arrangements.
10 On information and belief, Defendants retain outside counsel from many different law firms for
11 different matters and routinely negotiate fee arrangements with outside counsel. Similarly, Shook and
12 the Shook counsel representing Defendants in this litigation represent numerous clients on a wide
13 range of matters. Public disclosure of the fee arrangement between Defendants and Shook would put
14 each at a competitive disadvantage in future fee negotiations. Other law firms could use the
15 information to their advantage in negotiations with Defendants.
16

17 7. The Court should seal the descriptions in the “Narrative” column of the billing records
18 in Exhibit A to the Shortnacy Declaration. Disclosure of these records could reveal litigation strategy,
19 or the specific nature of the services provided, such as researching particular areas of law. For
20 example, the narratives describe research performed for arguments considered for the Motion for
21 Sanctions and methods of investigating the violation of the Protective Order at issue in the Motion for
22 Sanctions. Because these descriptions could disclose strategy, good cause exists to seal the Narrative
23 column of Exhibit A.
24

25 8. There is no public interest in disclosure of this granular fee arrangement or billing
26 narrative information; it is not necessary for the public to understand the merits of this litigation or
27

1 even to understand the Motion for Sanctions itself, which seeks recovery of reasonable attorneys' fees
2 for work incurred as a result of Mr. Stanley's violation of the Court's Protective Order.

3 9. There are no less restrictive alternatives to sealing the documents—Defendants seek
4 only narrowly tailored redactions to the Motion for Sanctions, Shortnacy Declaration, and Exhibit A,
5 seeking to protect the hourly rates, worked hours, and narrative descriptions but leaving in the public
6 record totals and subtotals of fees for the tasks performed. Such information in the public records
7 protects any interest the public may have, while protecting the interests of Defendants in being able to
8 seek recovery of the fees they incurred in connection with Mr. Stanley's conduct violating the
9 Protective Order, which the Court has already determined has occurred. Not permitting the narrowly
10 tailored redactions of the limited fee information that Defendants seek here would chill parties' ability
11 and willingness to seek recovery of fees in instances where, as here, the Court has already made a
12 judicial finding of a violation of a Court's prior orders.
13
14

15
16 I declare under penalty of perjury under the laws of the United States of America that the
17 foregoing is true and correct.
18

19 Executed on October 24, 2025.

By: /s/ Daniel Cummings

Daniel Cummings